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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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11 DUSTON MILLER,

12 Plaintiff,

13 v.
14 LAS VEGAS METROPOLITAN POLICE
15 DEPARTMENT, et al.,

Defendants.

Case No.: 2:17-cv-02021-RFB-NJK

Order

[Docket No. 32]

16 Pending before the Court is Plaintiff's motion for an order directing the U.S. Marshal to
17 serve Defendants pursuant to 28 U.S.C. § 1915(d). Docket No. 32. The motion is properly
18 resolved without a hearing. *See Local Rule 78-1.*

19 **I. Background**

20 The Court granted Plaintiff's application to proceed *in forma pauperis* on September 25,
21 2018. Docket No. 17. On March 21, 2019, the Court screened Plaintiff's second amended
22 complaint. Docket No. 24. The Court ordered that several counts shall proceed against various
23 defendants. *Id.* at 17-18. The Court ordered the Clerk of the Court to issue five summonses for
24 Defendants Las Vegas Metropolitan Police Department, Joe Lombardo, Law Librarian, T. Olson,
25 Correctional Officer J. Hitt, and Lieutenant Taylor, and to deliver them to the U.S. Marshal for
26 service along with copies of the second amended complaint. *Id.* at 18. The Court allowed Plaintiff
27 thirty days to furnish the U.S. Marshal with the required USM-285 forms. *Id.* On March 22, 2019,
28 the Clerk of the Court issued summons to Defendants. Docket No. 25. On April 9, 2019, the

1 Court's screening order was returned as undeliverable. Docket No. 27. On April 10, 2019, the
2 Court ordered Plaintiff to file a notice of change of address, which Plaintiff did on April 17, 2019.
3 Docket Nos. 28, 29. On May 15, 2019, the U.S. Marshal returned the summons as unexecuted for
4 Defendants because no USM-285 form was received for process. Docket No. 30.

II. Analysis

Litigants proceeding under *in forma pauperis* status have the right “to adequate assistance by the U.S. Marshal in the service of summons and the complaint.” *Puett v. Blandford*, 912 F.2d 270 (9th Cir. 1990); *see also* Federal Rule of Civil Procedure 4(c)(3).

In light of the notice of the Court's screening order being returned as undeliverable, it is not clear that Plaintiff received the blank copies of the USM-285 and the instructions regarding furnishing the USM-285 to the U.S. Marshal. Nonetheless, Plaintiff attached the relevant USM-285s for Defendants LVMPD, Olson, Lombardo, Taylor, and Hitt to his motion at Docket No. 32-1.

14 Accordingly, the Court **GRANTS** Plaintiff's motion to serve Defendants. Docket No. 32.
15 The Court **INSTRUCTS** the Clerk of the Court to deliver Plaintiff's USM-285s, Docket No. 32-
16 1, to the U.S. Marshal along with five copies of the second amended complaint and five copies of
17 the Court's screening order, Docket No. 24. The U.S. Marshal shall then attempt to serve these
18 Defendants. If the U.S. Marshal is unable to serve these Defendants with the current information,
19 and Plaintiff wishes to have service again attempted on Defendants, then Plaintiff must file a
20 separate motion with the Court that specifies a more detailed name and/or address for any
21 Defendants not served, or whether some other manner of service should be attempted.

IT IS SO ORDERED.

Dated: July 19, 2019.

Nancy J. Koppe
United States Magistrate Judge